

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MICHAEL RONNIE BOISSONNEAU,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07-CV-914-MHT
)
DAVID TIBBS, et al.,)
)
Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

On October 11, 2007, Michael Ronnie Boissonneau [“Boissonneau”], a former county inmate, filed the instant 42 U.S.C. § 1983 complaint challenging actions taken against him during his arrest and the medical treatment provided to him during his confinement at the Montgomery County Detention Facility. The order of procedure entered in this case required Boissonneau to immediately inform the court of any change in his address. *Order of October 16, 2007 - Court Doc. No. 4* at 6. On November 27, 2007, defendant Tibbs advised the court that the plaintiff no longer resided at the last address he had provided to the court for service. In light of the foregoing, the court entered an order requiring that on or before December 10, 2007 Boissonneau show cause why his case should not be dismissed for his failure to provide this court with his present address. *Order of November 28, 2007 - Court Doc. No. 13*. The court specifically cautioned Boissonneau that failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* As of the present date, the plaintiff has filed nothing in

response to the November 28, 2007 order. The court therefore concludes that this case is due to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that on or before December 28, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit

handed down prior to the close of business on September 30, 1981.

Done this 14th day of December, 2007.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE